THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18285 Of 2005

30th September, 2005

Between:

Mohammed Rasool Khan …petitioner

A N D

The Regional Passport Officer, Ministry of External

Affairs, Secunderabad …Respondent

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18285 Of 2005

ORDER :

1. This writ petition has been filed by Mohammed Rasool Khan with a prayer to issue a writ, order or directions by declaring the action of the respondent in not altering/correcting the date of birth of the petitioner in the Passport as per the S.S.C. Certificate, as illegal, arbitrary and unconstitutional.

2. The petitioner passed S.S.C. examination in the month of September, 1994. He applied for issuance of passport in the month of January, 1996. The respondent issued a passport bearing No. V 560242, dated 4-1-1996. Subsequently, he sought to file application for seeking rectification of his date of birth in the passport. Since the respondent refused to entertain the application, he approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

3. Heard the learned counsel for the petitioner and learned standing counsel for Central Government appearing for respondent.

4. It is the case of the petitioner that his date of birth is 5-6-1979 and the same has been inadvertently mentioned in the passport as 28-04-1973. He sought for correction of the date of birth in the passport basing on the S.S.C.Certificate. In ***Ali Imran Vs. Regional Passport Officer, Secunderabad,*** this Court considered the Circular dated 18-4-2001 issued by the Government of India, Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No. 1072 of 2000. The instructions/clarifications issued in the said Circular read as under:

a. *Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may, after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.*

b. *Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.*

c. *Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a*

certificate issued by another competent authority i.e. Municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

5. Since, the Central Government has issued certain guidelines with regard to correction of date of birth in the passport, there cannot be any impediment for the respondent to entertain the application and pass appropriate orders.

6. Accordingly, this writ petition is disposed of directing the respondent to entertain the application of the petitioner for correction of date of birth in his passport and pass necessary orders, keeping in view of the guidelines issued by the Ministry of External Affairs in Circular, dated 18-4-2001. No order as to costs.

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B.Seshasaayana Reddy,J.

30th September, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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